



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN 11, TEXAS

PRICE DANIEL
ATTORNEY GENERAL

July 17, 1952

Hon. James R. Strong
County Attorney
Panola County
Carthage, Texas

Opinion No. V-1479

Re: Fees of the county clerk
for preparing certified
copies of records of his
office.

Dear Sir:

You have requested an opinion of this office
in which you ask:

What fee must be charged by a county
clerk for making certified copies of deeds,
deeds of trust, and mechanics' liens re-
corded in that office? Is there any dif-
ference in this fee when said copies are
made by photostat machine that is county-
owned and used for recording purposes in
the county clerk's office?

Articles 6591 and 6595, V.O.S., require the
county clerk to record all deeds and deeds of trust
filed with him. Article 5453, V.C.S., provides for
the recordation of mechanics' liens by the county clerk.
Article 6600, V.C.S., provides:

"The county clerk shall give attested
copies whenever demanded of all papers
recorded in his office; and he shall receive
for all such copies, such fees as may be
provided by law."

Article 3930 provides in part that:

"Clerks of the County Court shall re-
ceive the following fees:

". . .

"Copies of interrogatories, cross-
interrogatories and all other papers or
records required to be copied by him, in-
cluding certificate and seal, where the

copy does not exceed 200 words, for each
100 words .15

"Where the copy exceeds 200 words,
for each additional 100 words in excess
of 200 words .15"

There is no specific provision for a fee to be charged by the county clerk for making certified copies of deeds, deeds of trust, and mechanics' liens. Therefore, the general provision of Article 3930 quoted above is applicable and the county clerk must charge 15 cents for each 100 words for certified copies of deeds, deeds of trust, and mechanics' liens.

In Logan v. Mississippi Abstract Co., 190 Miss. 479, 200 So. 716, 720 (1941), it is stated:

"Conditions change; new and improved devices are invented, and the law, to live and serve, must adapt itself to changing conditions, if thereby no fundamental principle is sacrificed. The word 'copy' in the statute includes photographic copy. Tobin v. Knaggs, supra. Indeed, perhaps the most accurate copy which could possibly be made would be a photograph of the records.
. . ."

Also in Nomikos v. Petroutsis, 60 N.Y.S.2d 802 (1946) the Supreme Court of New York held that a photostatic copy of a court order was a "copy" within the meaning of a statute requiring that a certified copy be served on the defendant.

Article 3930 does not provide any specific method for making copies of records in the county clerk's office. Therefore, we agree with you that the same fee should be charged by the county clerk for making copies of records in his office, regardless of whether they are made by hand, typewriter, or by a device for photographing the records.

SUMMARY

Article 3930 requires the county clerk to charge 15 cents for each 100 words for certified copies of deeds, deeds of trust,

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and mechanics' lien on record in his office.
The same fee should be charged whether the
copies are made by hand, by typewriter, or
by a device for photographing the records.

Yours very truly,

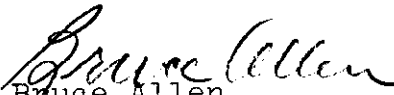
APPROVED:

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